IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15030 of 1999

Between:

Polamreddy Chenchurami Reddy, S/o. late Venkatnarayana Reddy,
Tondemanadu (V), Sri Kalahasti(M),
Sri Kalahasti, Chittoor district.

..... PETITIONER

AND

1 Govt. of A.P., Rep.by its Principal Secretary to Govt.,Revenue Dept,
Secretariat Buildings, Hyderabad.
2 Commissioner of Endowments, A.P.,
Tilak Road, Hyderabad.
3 Executive Officer, Sri Kalahasteewara Swami Devasthanam,
Sri Kalahasti, Chittoor District.
4 The Dist. Collector,
Chittoor . Chittoor District.
5 Mandal Revenue Officer, Sri Kalahasti (M),
Sri Kalahasti, Chittoor district.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ , order or direction more in the nature of Mandamus declaring of the respondent authorities in not taking appropriate steps in the matter of implementation of the order of the Join Collector in his proceeding No.Roc.C/1097/95 , dt.15-7-97 by way of handing over the land to an extent of Ac.1097.78 cents on Kailasagiri Parvatham situated in Sy.No.361/1 and 361/2 corresponding to old Paimash Nos.371/1 and 371/2 of Kailasagiri area after evicting

unlawful occupants/assignees as illegal and void and consequentially to direct the respondent authorities to give effect to the order of the Joint Collector in possession unlawfully after cancelling the assignment made contrary to law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the Circumstances of the case.

Counsel for the Petitioner:MR.M.SUDHIR KUMAR

Counsel for the Respondent Nos.1,4 and 5: GP FOR REVENUE

Counsel for the Respondent No.2 & 3: G.P. for Endowments

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner has filed this petition in public interest. Petitioner was Ex-Sarpanch of Tondamanadu Gram Panchayat, Srikalahasti Mandal, who claims to be engaged in social activities for rendering social justice to public. It is stated that he has lot of interest in Srikalahasti Temple and is a devotee of Lord Shiva of Srikalahasti Temple. Petitioner, after narrating some facts as regards the vast extent of land stated to have been granted by Raja of Srikalahasti in favour of the temple in the year 1792 stated how the lands came to be vested in Government. But, he complains that there was inaction on the part of the authorities in not taking steps for implementation of the orders of Joint Collector in proceedings dated 15.7.1997 by handing over the land to the extent of Ac. 1097.78 cents situated in Survey Nos.361/1 and 361/2 after evicting unlawful occupants.

Notice on this petition was issued to the respondents. Affidavits in reply were filed by the respondents. Sri. A. Sardar Basha, Mandal Revenue Officer, Srikalahasti, Chittoor District filed the affidavit in reply furnishing the details of land in Survey No. 361/1 and 361/2. The land in Survey No. 361/2 with a total extent of Ac. 1456.12 cents acres is classified as U.A.W. as per Survey and settlement accounts and vested in Revenue Department. The temple authorities have applied for right over the surface as well as soil over the land and as per the Survey and settlement accounts, it has been treated as U.A.W. and vested in Revenue Department. But out of this land, an extent of Ac. 1077.78 cents in Survey No. 362 of Srikalahasti has been handed over to Srikalahasteeswara Swamivari Devasthanam as per the orders of the Joint Collector, Chittoor. The remaining land is stated to have been either encroached by the municipality for water works or assigned for cultivation or alienated for Government Degree College and TGP Buildings. Though, it is stated in the order of the Joint Collector that land to the extent of Ac.1097.78 cents be handed

over to the temple for afforestation purposes, but on spot verification the actual extent available was found to be Ac. 1077.78 cents. Therefore, while applying for modification of the order, land to the extent of Ac. 1077.78 cents has been handed over for afforestation purposes in favour of Srikalahasteeswara Swamyvari Devasthanam. Thus, we find no inaction on the part of the respondents in implementing the order of Joint Collector. We find that no further directions need be issued in this writ petition inasmuch as the land vests in the Revenue Department and in this Public interest litigation, we cannot take up the issue as regards title over the land in question.

The writ petition is accordingly closed. No costs.

_____ DEVINDER GUPTA, CJ

Date: 29th November, 2004

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G. ROHINI, J

Pnb

To

1 The Principal Secretary to Govt.,Revenue Dept,Govt. of A.P.,
Secretariat Buildings, Hyderabad.
2 The Commissioner of Endowments, A.P.,
Tilak Road, Hyderabad.
3 The Executive Officer, Sri Kalahasteewara Swami Devasthanam,
Sri Kalahasti, Chittoor District.
4 The Dist. Collector,
Chittoor, Chittoor District.
5 The Mandal Revenue Officer, Sri Kalahasti (M),
Sri Kalahasti, Chittoor district.

6 Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad .(OUT)

7 Two C.Cs. to the Government Pleader for Endowments, High Court

Buildings, Hyderabad .(OUT)

8 Two C.D. copies